



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Authorize Force Account Work for Well 24 Chain Link Fence,
640 North Stockton Street (North of Grape Bowl Stadium)

MEETING DATE: July 1, 1992

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council authorize the Public Works Department to have the Well 24 chain link fence work done by force account.

BACKGROUND INFORMATION: Plans and specifications for the chain link fence installation at Well 24 (640 North Stockton Street) were approved by Council on May 20, 1992 and bid proposals were accepted until 11 am. on June 10. Unfortunately, no bids were submitted.

Three contractors came to City Hall and picked up sets of the plans and specifications. All three were contacted after the scheduled bid opening and two of them indicated they would bid on the project if it were readvertised; one contractor had a delay in obtaining his bid bond and the other contractor missed the deadline.

City Attorney McNatt was asked if this project must be rebid and his research indicates that we do not need to do so (see attached memo dated June 12, 1992). Staff is recommending that Council authorize the Public Works Department to obtain prices for the work shown and described in the Well 24 chain link fence plans and specifications and do the work by force account.

FUNDING: Water Utility Fund.


Jack L. Ronsko
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

JLR/WRF/lm

Attachment

cc: City Attorney
Water/Wastewater Superintendent
Associate Civil Engineer - Lindseth

APPROVED: 

THOMAS A. PETERSON
City Manager

recycled paper

CITY OF LODI
MEMORANDUM FROM THE OFFICE OF THE CITY ATTORNEY

To: Wes Fugitani, Public Works Department
from: Bob McNatt, City Attorney
Oats: June 12, 1992
Subject: CONTRACT FOR WELL 24 IMPROVEMENTS

I don't recall handling a situation before in which no bids were received on a RFP of this nature. In any event, some checking turned up Public Contracts Code Section 20166 (attached). It simply says that if no bids are received, the "legislative body" may "... have the project done without further complying with this chapter."

The phrase "legislative body" implies that it is necessary for the Council (as the "legislative body") to approve whatever procedure we use to accomplish the work.

I don't think we would need to rebid the job or have the Council approve a new set of plans and specs. It would be Satisfactory to get Council authorization to have the work done by force account, either with or without advertising.

Nothing was found in the Municipal Code which addresses this, and I have been unable to locate any policy adopted by the Council concerning situations of this nature.

You may want to put together a Council communication for the meeting of July 1, simply asking the Council to approve doing the work with a force account. I would not suggest that we simply go out and start soliciting potential suppliers without involving the Council.

Please let me know if there are further questions or problems with this.



BOB McNATT
City Attorney

BM:vc

attachment

BID7/TXTA.01V

§ 20165

CONTRACTING BY LOCAL AGENCIES

Div. 2

project which would be subject to Section 1601 or Section 1603 of the Fish and Game Code, shall include any conditions or modifications established pursuant to Section 1601 of the Fish and Game Code. (Added by Stats.1982, c. 465, p. 1921, § 11.)

Historical Note

Derivation: Gov.C. former § 37903.5, added by Stats.1976, c. 603, p. 1452, § 7.

Cross References

Similar section, counties, see § 20126.

Library References

Municipal Corporations ⇐237, 331.
C.J.S. Municipal Corporations §§ 997, 999, 1150.

§ 20166. Bids: rejection and readvertisement; choice of identical bids: none received

In its discretion, the legislative body may reject any bids presented and readvertise. If two or more bids are the same and the lowest, the legislative body may accept the one it chooses. If no bids are received, the legislative body may have the project done without further complying with this chapter.

(Added by Stats.1982, c. 465, p. 1921, § 11.)

Historical Note

Derivation: Gov.C. former § 37904, added by Skts.1949, c. 79, p. 165, § 1, amended by Stats.1951, c. 609, p. 1771, § 1.

Stats.1883, c. 49, p. 274, § 874; Stats.1891, c. 59, p. 55, § 1; Stats.1897, c. 87, p. 89, § 1; Stats.1913, c. 27, p. 32, § 1; Stats.1929, c. 294, p. 598, § 3; Stats.1931, c. 131,

p. 183, § 6; Stats.1933, c. 516, p. 1334, § 27; Stats.1939, c. 306, p. 1579, § 1; Stats.1941, c. 741, p. 2259, § 1; Stats.1941, c. 1034, p. 2672, § 1; Stats.1883, c. 49, p. 258, § 777; Stats.1891, c. 58, p. 54, § 1; Stats.1915, c. 663, p. 1304, § 1; Stats.1941, c. 741, p. 2260, § 2; Stats.1941, c. 1034, p. 2673, § 2

Library References

Municipal Corporations ⇐240, 241.
C.J.S. Municipal Corporations § 1005.

§ 20167. Performance of project after rejection of bids; resolution

After rejecting bids, the legislative body may pass a resolution by a four-fifths vote of its members declaring that the project can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market. Upon adoption of the

RESOLUTION NO. 92-112

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A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING FORCE ACCOUNT WORK FOR WELL 24
CHAIN LINK FENCE, 640 NORTH STOCKTON STREET

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WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, bid proposals were accepted until 11:00 a.m. on June 10, 1992 for the bid for Well 24 Chain Link Fence, 640 North Stockton Street (north of the Grape Bowl Stadium), described in the specifications therefor approved by the City Council on May 20, 1992; and

WHEREAS, no bids were submitted for the project;

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the Public Works Department to obtain prices for the work and have the Well 24 Chain Link Fence work done by force account.

Dated: July 1, 1992

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I hereby certify that Resolution No. 92-112 was passed and adapted by the City Council of the City of Lodi in a regular meeting held July 1, 1992 by the following vote:

Ayes : Council Members - Hinchman, Sieglock, Snider and
Pinkerton (Mayor)

Noes : Council Members - None

Absent: council Members - Pennino


Alice M. Reimche
City Clerk